

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

ISRAEL WEST,
Plaintiff

v.

COUNTY OF YORK, *et al.*,
Defendants

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: CIVIL NO. 1:12-CV-1564
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O R D E R

AND NOW, this 15th day of May, 2013, upon consideration of the report and recommendation of the magistrate judge (Doc. 28), filed April 19, 2013, to which no objections were filed, and upon independent review of the record, it is ORDERED that:

1. The magistrate judge's report (Doc. 28) is adopted.
2. Plaintiff's request for specific monetary damages is stricken from his amended complaint.
3. Defendants' motion to dismiss (doc. 19) is granted in part and denied in part.
4. Defendants' motion to dismiss Plaintiff's claim against Defendants Catone and Von Keil for their failure to restrict him from using the prison stairs is GRANTED. This claim is dismissed with prejudice.
5. Defendants' motion to dismiss Plaintiff's remaining Eighth Amendment claim against Defendants Roberson, Catone, and Von Keil is DENIED.

6. This case is remanded to the Magistrate Judge for further proceedings, including a Report and Recommendation on dispositive motions, if necessary.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge